CONFERENCE ON DISARMAMENT

CD/1680
10 July 2002

Original : ENGLISH

LETTER DATED 26 JUNE 2002 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE CONFERENCE ON DISARMAMENT ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE TRANSMITTING THE TEXT OF HIS REMARKS ON OUTER SPACE DURING THE INFORMAL CONFERENCE ON "FUTURE SECURITY IN SPACE: COMMERCIAL, MILITARY, AND ARMS CONTROL TRADE-OFFS" SPONSORED BY THE MONTEREY INSTITUTE'S CENTER FOR NONPROLIFERATION STUDIES AND THE UNIVERSITY OF SOUTHAMPTON'S MOUNTBATTEN CENTER ON 29 MAY 2002

I recently had the honour to participate in an informal conference in England to discuss the topic, "Future Security in Space: Commercial, Military, and Arms Control Trade-offs". This highly informative gathering was sponsored by the Monterey Institute's Center for Nonproliferation Studies and the University of Southampton's Mountbatten Center.

My remarks during the informal conference may be of interest to colleagues here in Geneva. I therefore request that the statement I gave on May 29 be distributed as a CD document.

(Signed:) Eric M. Javits
Permanent Representative to the
Conference on Disarmament

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The U.S., Outer Space, and the CD

The United States continues to recognize the common interest of all countries in the exploration and use of outer space for peaceful purposes, as declared in the 1967 Outer Space Treaty. When our astronauts walked on the moon for the first time, they left the message that they "came in peace for all mankind." The United States and other nations have sent unmanned probes to explore outer space and the celestial bodies, to explore the surfaces and atmospheres of the other planets in our solar system in order to understand the environment beyond our world.

The exploration and use of space has not looked solely outward. Satellites orbiting the Earth monitor the weather, the climate, the growth of crops, and the impact of drought and land use. Communications satellites make possible rapid global sharing of information. Satellites have revolutionized terrestrial navigation and provided a new and powerful tool for accurate surveying of the Earth's surface. The peaceful exploration and use of outer space have also resulted in technological spin-offs that would take days to enumerate in their entirety.

The commitment of the United States to the exploration and use of outer space by all nations, for peaceful purposes and for the benefit of humanity, is clear. But the peaceful exploration and use of space obviously does not rule out activities in pursuit of national security goals.

The security and well being of many nations depend on the ability to operate in space, and Article 51 of the UN Charter makes it clear that all Member States have the inherent right of individual and collective self-defense. The global responsibilities of

the United States, and the new threats facing it in today's world, require that that right be exercised both on the Earth and above it. As Under Secretary Bolton told the Conference on Disarmament in his January 24 statement, the security and well being of the United States and its allies depend on the ability to operate in space. And we are not alone in having military space programs. Russia and China, for example, have such programs, too.

National security is the highest responsibility of a government, and each nation must decide on the elements of its security policy. Arms control and disarmament are not ends in themselves but tools to enhance security. Our discussion should be framed in that context.

Free access to space and use of space by space-faring nations are central to the preservation of peace and the protection of civil, commercial and security interests. The United States sees no justification for limitations on the right of sovereign nations to acquire all forms of information from space.

We fully understand that maintaining international peace and security is an overarching purpose that guides activities on earth as well as in outer space, but in the final analysis preserving national security is likewise necessary and essential. For these reasons, the United States sees no need for new outer space arms control agreements and opposes negotiation of a treaty on outer space arms control.

Some suggest that a new forum might be the appropriate place for outer space arms control efforts. We do not share this view. Changing venues would not change national positions. States would still have the same concerns that they have in existing fora.

The Existing Outer Space Regime Is Sufficient

A number of standing agreements already sufficiently regulate military activities in outer space. The Limited Test Ban Treaty of 1963 prohibits parties from conducting nuclear weapon test explosions or other nuclear explosions in outer space. The activities of the Committee on the Peaceful Uses of Outer Space, which facilitated the negotiation of the Outer Space Treaty itself, also reinforce the existing regime. The Committee on Peaceful Uses does not deal with disarmament and arms control aspects of outer space, of course; but it is concerned with promoting international cooperation in the peaceful uses of space.

Most important, however, is the Outer Space Treaty, to which the United States remains firmly committed. The Outer Space Treaty puts celestial bodies off limits to all nuclear weapons or other weapons of mass destruction and prohibits States Parties from placing in orbit or stationing such weapons in outer space — a far-reaching nonproliferation measure in itself. It also provides that celestial bodies shall be used exclusively for peaceful purposes and prohibits their use for military establishments or maneuvers, or for testing any type of weapons. In addition, the Outer Space Treaty

clearly establishes that States Parties retain jurisdiction and control over objects they have launched into outer space, and have international responsibility for national objects in outer space, including whatever damage the launched item may cause.

In sum, there already exists an extensive and comprehensive system for limiting the uses of outer space to those that are peaceful and providing a framework for the legitimate military uses of outer space. We believe that this existing multilateral arms control regime adequately protects states' interests in outer space and does not require augmentation. There simply is no problem in outer space for arms control to solve. The problems we all need to address are right here on earth — the need for effective implementation of, and full compliance with, key regimes that tackle the very real threat of weapons of mass destruction — above all the Nuclear Nonproliferation Treaty, Chemical Weapons Convention, and Biological Weapons Convention.

The United States is committed, through its national space policy, to ensuring that exploration and use of outer space remain open to all nations for peaceful purposes and for the benefit of all humanity. For us as for others, "peaceful purposes" does of course allow for activities that support and serve national security goals. Improving our ability to support military operations worldwide, monitor and respond to military threats, and monitor arms control and non-proliferation agreements are key priorities for our national security space activities — and they help strengthen international stability and security. The lawful military use of space provides broad benefits to the international community in the areas of communications, global positioning, navigation, environmental monitoring, combating terrorism, and cooperating in enforcement of UN Security Council sanctions.

Time to Move On

The United States continues to hear calls for immediate negotiations in the CD to forestall all manner of ills: (1) the possibility that missile defense would upset strategic stability, leading to a new arms race here on earth; (2) the potential for disruption of the arms control process; and (3) the risk of an arms race in outer space. The United States has always believed these concerns are groundless.

Clearly, missile defense has not upset strategic stability or led to a new arms race. The Treaty signed in Moscow on May 24 shows that. Importantly, the Treaty of Moscow also demonstrates that pursuit of missile defense and the demise of the ABM Treaty are not an impediment to further reductions in nuclear weapons or to increased U.S.-Russian cooperation. Clearly also, U.S. missile defense efforts, and the various systems under development, are not directed against Russia or China. Rather, they are designed to defend against limited ballistic missile attack in a world where increasing numbers of states are striving to be able to threaten such an attack. Finally, as we have tried to make clear, it is not a replacement for deterrence through response or retaliation, but a supplement to it — adding a new dimension to deterrence. Indeed, if a non-state actor knew that a limited attack on the United States was not likely to

succeed, they would be much less inclined to develop weapons of mass destruction. A system capable of defending against a large-scale attack with sophisticated weapons would be both qualitatively and quantitatively different from that which the United States is pursuing.

The United States remains committed to the arms control and disarmament process. The landmark strategic arms reductions agreement signed by Presidents Bush and Putin in Moscow on May 24 has reaffirmed that commitment and finally laid to rest the Cold War world and the arms race it spawned. There is no contradiction between that process and pursuit of a limited MD system. And while the United States and Russia have had different views on the merits of the ABM Treaty, its disappearance is simply not a problem. The reality is that U.S.-Russian relations are broad and strong enough to weather this sort of disagreement. As the Moscow Summit showed, it is a new and better day.

Summation

The United States continues to recognize the common interest of all mankind in the furtherance of the exploration and use of outer space for peaceful purposes, as declared in the 1967 Outer Space Treaty. We see no need for further outer space treaties. We should move on to other themes that address immediate and serious threats to mankind.